IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2958 of 2005

Between:

M. Ramanjaneyulu S/o. M.Narasappa
D.No. 5/61, Rekalakunta (V) Reddipalli Post, Bukkarayasamudram (M) Ananthapaur District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C., Ananthapur Depot, Ananthapur District.
2 The Regional Manager, A.P.S.R.T.C. Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the petitioner's case for allotment of light works like booking clerk in reservation counter or Announcer or Chart Maintainer at Bus stand or Traffic guide or any other light work keeping in view of his disability of the petitioner is illegal, arbitrary and violative of Arts. 14 & 21 of the Constitution of the constitution of India and contrary the Sec. 47 of the Act. 1 of 1995 and consequently direct the respondents to allot light work like booking clerk in reservation counter or announcer or chart maintainer at bus stand or traffic guide or any other light work.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not considering the petitioner's case by providing alternative employment to him as illegal, arbitrary and contrary to Section 47 of the Act 1 of 1995

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material on record.

The petitioner submitted a representation on 15.12.2004 to the 2nd respondent-Regional Manager, APSRTC to post him in the alternative equivalent cadre of post of Conductor such as Booking Clerk, or Announcer or Chart Maintainer due to his disability.

The learned counsel for the petitioner has contended that as the petitioner underwent major kidney operation, he is unable to discharge his duties as Conductor and hence, he may be given alternative appointment as provided under Section 47(1) of the Act I of 1995.

The learned standing counsel for the respondents has opposed the same on the ground that the petitioner is not fit for continuation of his

job as a Conductor.

It is a fact that the petitioner suffered from a disease related to kidneys and he took treatment at several places. Despite his treatment, he could not regain his health and finally, he underwent operation wherein his right kidney was removed. The hospital authorities of the respondents-Corporation examined him and opined that the pain in his back bone will be maximum in sitting posture. Therefore, he was transferred to work in Supervisory committee (Praya Vikshana Committee) and he discharged his duties as such for sometime. He was again directed by the respondents-Corporation to work as Conductor. Inasmuch as the petitioner is becoming sick frequently, because of his kidney operation, and unable to discharge his duties as Conductor, he made a representation, dated 15.12.2004 to provide alternative appointment as provided under section 47 (1) of the Act I of 1995. The same has to be considered by the respondents-Corporation.

Having regard to the facts and circumstances of the case, I consider it appropriate to direct the respondents-Corporation to consider the case of the petitioner in pursuance of the representation, dated 15.12.2004 keeping in view of the provisions of Section 47 (1) of the Act I of 1995, within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

_____

(K.C. BHANU,J.)

18th February, 2005.

bcj

To

1 The Depot Manager, A.P.S.R.T.C., Ananthapur Depot, Ananthapur District.
2 The Regional Manager, A.P.S.R.T.C. Ananthapur.

3 Two C.D. copies.